

Dredge Management Task Force Meeting Minutes - February 16, 2006 DES Pease Office

The meeting was held on Wednesday February 16, 2006 from 1:30 PM to 3:20 PM at DES Office, 50 International Drive, Pease Tradeport.

Announcements/Introductions – Chairman asked members to introduce themselves.

Attending members:

Liz Chamberlain, Senator Sununu
Roger Dionne, NH DOT
Olga Guza, EPA
Mark Habel, ACOE
Michael Johnson, NOAA
Michelle Juliano, NHDOT
Periklis Karoutas, Congressman Bradley
Leon Kenison, PDA
Matt Liebman, EPA
Matt Leahy, Senator Gregg
Tim Lyons, Senator Gregg
George Maglaras, Georges Marina
Clare McBane, NH F&G
Craig Morin, Appledore Marine
Cheri Patterson, NH F&G
Dean Peschel, City of Dover
Frank Richardson, NH DES
Michael Sills, NH DES
Robert Snover, Appledore Marine
Larry Van Dessel, UNH
Michael Walsh, ACOE
Dori Wiggin, NHDES
Michael Yeager, PDA

Staff:

Ted Diers, Manager, NH Coastal Program/DES
Mary Power, NH Coastal Program/DES
Chris Williams, Chairman, NH Coastal Program/DES

Guests:

Bill Barry, Vanasse Hangen Brustlin, Inc.
Natalie Landry, NH DES
Jen Rockett, ACOE
Sally Soule, NH Coastal Program/DES
Judith Spang, NH State Rep. and Oyster River Task Group
Matt Wood, NHDES

Review of Minutes - Nov. 2, 2005

Chairman Williams asked if there were any corrections needed. No substantive comments from members. Minutes approved.

Legislative Update -

NH Coastal Program staff recently met with Congressional staff and the ACOE to discuss the funding needs for Fiscal Year 2007. The state will be requesting additional funds for the following projects: a) the Hampton Harbor Section 107 Feasibility Study (completion of plans and specifications); b) the Piscataqua River Turning Basin Feasibility Study; and 3) the Cocheco River maintenance dredging project. The state will also be requesting funding for a study to identify alternative ocean disposal sites. Fiscal Year 2006 appropriations for NH projects include: \$55,000 for the Hampton Harbor Section 107 Feasibility Study, \$25,000 for the Piscataqua River Turning Basin and \$1.8 million for the Cocheco River dredging project.

Cocheco River Dredge – (item out of order)

ACOE (Mike Walsh) said the COE hopes to put a contract out to bid sometime in May 2006 and hopes to award the contract before the end of Fiscal Year 2006 so that work can begin in November 2006. COE met with NH Fish and Game and discussed the feasibility of beginning the fall 2006 dredge season approximately two weeks early to take advantage of the proposed drawdown of the Cocheco Falls Dam. They also discussed a two week extension of the dredge window at the end of the winter 2007 dredge season. Chairman said the meeting, which took place last November, was also attended by the City of Dover, NMFS, NH Coastal Program and the NH Wetlands Bureau. Chairman stated that it was agreed that the proposal to begin the fall 2006 dredge season early would be a one-time event, specific to this project. If conditions permit, dredge window would “open” approximately 12 to 15 days early. ACOE then stated that the \$1.8 million Fiscal Year 2006 appropriation mentioned earlier is not enough to complete all of the dredging. ACOE estimates the cost to complete the project be closer to \$2 million.

Oyster River Navigation Channel Re-establishment –

Chairman said this project was first brought to the DMTF at its July of 2000 meeting. The members were informed at that time that the Town of Durham had approved initiation of a feasibility study to re-establish the channel. In September 2001 the interim report on the feasibility study was presented to the members and they recommended the following: a) seek assistance from NMFS regarding potential fisheries and habitat impacts; b) consult with the City of Dover; and c) get specifications from the ACOE and the Port Authority for minimum safe boating clearances.

Executive summaries of the proposal were emailed to the DMTF members for review in January 2006. Chairman then recognized Rep. Judith Spang and requested that she present the project to the members. Rep. Spang said the project began because the town of Durham realized it was losing community access to the waters of the Oyster River. In 2000 she was approached by the Durham Parks and Recreation committee and the Planning Board to ask if she would form a task force to begin a feasibility study. She continued with her presentation and upon completion the Chairman opened the floor for comments. NH F&G (Clare McBane) asked what type of dredging would be used. Rep. Spang said a clamshell dredge was discussed but NH F&G suggested that a suction type of dredge would reduce turbidity and sedimentation. NH F&G (Cheri Patterson) asked whether dredge footprint would extend as far as the Route 108 bridge or just that general area. Rep. Spang said it would take place in that general area and that they are aware of the presence of the fish ladder. Discussion followed. NHF&G (Patterson) said they probably should not go above the ledge in this area because of the smelt-spawning habitat that exists there.

EPA (Olga Guza) then suggested NH create a Dredge Management Plan (DMP) that would include a list of all the sites that need to be dredged with the approximate timeframes. The DMP would categorize the sites by order of importance and give the opportunity to look at alternatives for the placement of dredge materials or to use them in a beneficial manner. Rep. Spang asked if DES is developing new dredge material disposal sites. Chairman stated that the ACOE has completed Phase I of a comprehensive dredge material disposal study that identifies 100 potential upland sites in NH. Phase II two of the study is intended to fine-tune that list, however, funding for Phase II is currently unavailable.

NMFS (Mike Johnson) asked if specific benthic infaunal and eelgrass studies were conducted for the study. Rep. Spang said there was some benthic testing done and believes that there will be more sophisticated core samples conducted. She said there was a comprehensive eelgrass study performed throughout the estuary and no significant amounts were found in the Oyster River. NMFS (Johnson) asked how much oyster bed would be impacted from dredging. Spang said the size of the oyster area is approximately 1.7 acres. Ray Grizzel of the Jackson Lab has recently updated the oyster densities in this area, and his results will tell how large and dense the area is. NH F&G (McBane) spoke with Mr. Grizzel and reports that he intends to do more sampling in the spring and that he has no concerns with the proposed dredging if it is done correctly.

ACOE (Rich Roach) asked if Rep. Spang understands the difficulty in procuring permits to accomplish the proposed dredging of the river. She does understand and said she thinks the difficulty may be based on the fact that the river has never been dredged before. ACOE (Roach) anticipates a great deal of resistance to a new channel dredging, and that it will take a long time to develop a consensus. Discussion followed regarding the benefits of dredging versus habitat disturbance. Rep. Spang considers this to be a restoration of the channel. ACOE (Roach) said he understands the benefits but it is a debate that the State of NH will need to have. NH F&G (Patterson) asked about the proposed timing of this dredge relative to the Mill Pond maintenance dredge project. Rep. Spang said the Mill Pond project will be completed before any dredging in the Oyster River begins. NH DES (Dori Wiggin) stated that there must be a demonstrated need for the project and assurances that the environmental impact is justified. Because this is a new dredge there is the potential for providing mitigation which could be substantial and costly. NH DES (Wiggin) asked who would be the applicant for the project. Rep. Spang asked if the Town of Durham could be the applicant. NH DES (Wiggin) said there needs to be buy-in from a state agency such as the PDA Ports & Harbors that oversees the public trust.

George's Marina (George Maglaras) then stated that all six rivers had some history of dredging operations, some by the government and some by private individuals. Of the six, only three have the ability to support boat traffic but the three are heavily silted. He echoed the statement by EPA (Guza) about the state producing a dredge management plan and pointed out benefits of dredging other than improving recreational navigation. NMFS (Johnson) stated that dredging the channel, while benefiting navigation and possibly re-colonizing some historical oyster habitat, would not likely be seen as an overall benefit to the aquatic environment. He suggested that the navigation benefits and the issue of the outfall from the wastewater treatment plant be the primary focus of the project. Discussion followed.

Chairman indicated that NHCP would volunteer to host and/or facilitate a meeting to discuss the issue further.

Sagamore Creek -

ACOE (Walsh) said he has not received the final eelgrass report from UNH-Jackson Lab (Fred Short) but has received some eelgrass information for Sagamore Creek. Approximately 2 acres of eelgrass has been found and ACOE (Walsh) estimates approximately 0.25 acre of impact from the proposed dredging project. The next step will be to meet with the state, NMFS and EPA to quantify the impact to the eelgrass so that the ACOE can proceed with coordination and submit permit applications. In the best case, the dredging will begin in 2008. NH F&G (McBane) asked what will be done with the moorings that are currently located in the navigable channel. ACOE (Walsh and Roach) began a discussion about the impact of moorings and of the Witch Cove Marina docks on the project. Further discussion followed. Roach said that the state of NH resource agencies have to decide whether it is a better idea to accommodate the marina where it is and work around it or require them to move. They will have to determine what the environmental cost will be to shift the dredge plan to accommodate the marina. ACOE (Walsh) said there will be a small increase in eelgrass impacts if the channel is moved. NH Coastal Program (Diers) said the information on the increased impact on the environment might prompt the PDA Ports and Harbors to approach the marina owner to ask if he would subsidize the movement of the channel. ACOE (Roach) agreed with that suggested action. ACOE (Walsh) went on to say the ACOE's authority is to keep navigable channels free and clear so if they allow moorings and piers in the channel they are not fulfilling their responsibility. In summary, the ACOE needs the additional eelgrass mapping and clarification from the resource agencies before a meeting at ACOE headquarters with the Colonel and the marina owner can be scheduled.

UNH Pier -

UNH (Larry Van Dessel) gave an overview of the current pier replacement and facility construction proposal. He stated that the plans were amended in March 2004 to reflect the proposed reduction in the length of the pier from 500 feet to 325 feet. The laboratory portion will be moved to another location. He went on to say that UNH has submitted all applications and he is requesting that the state and federal agencies take action on the submittals. UNH is coordinating with NH Division of Historical Resources and NH DRED (Parks) on how they might be able to place the laboratory at Odiorne Point, possibly attaching it to the Seacoast Science Center. He then asked if the dredge window applies to the pier replacement project since it does not involve dredging. It was the consensus of the DMTF members that the dredge window does not apply to the pier replacement. Chair asked if any additional information was needed from state or federal resource agencies. NMFS (Johnson) said they have finished their consultation and have provided recommendations to ACOE. ACOE (Roach) said that (Section 401) Water Quality and the Coastal Zone Management certifications are still needed. NH DES (Richardson) said the Wetlands Bureau received the Section 106 determination of "no adverse effect" and the draft environmental assessment from VHB. He has also received the plan revisions from Appledore Engineering and he will be meeting with UNH and Appledore in the near future to review draft language and permit conditions. NHDES (Richardson) said he hopes to issue a permit by the middle of March together with the (Section 401) Water Quality Certificate, which then go to Governor and Council approval for approval.

Other Business

- *Hampton Section 107 Feasibility Study* – ACOE (Habel) explained that Section 107 is the authority by which the ACOE studies adoption of new federal projects or modifications to existing ones. In Hampton, the ACOE is currently responsible for maintaining the entrance channel and the jetties while the state (PDA) is responsible for maintaining the harbor and anchorage. The state has asked ACOE to study the feasibility of assuming responsibility for future maintenance in the inner harbor. Congress authorized \$55K for FY'06 for the feasibility study. This money combined with an equal amount from PDA Ports and Harbors will enable the ACOE to complete the draft feasibility study this year and make a recommendation to the state as to whether or not it will assume responsibility for maintaining the inner harbor.

- *Piscataqua River Turning Basin Feasibility Study* – ACOE (Habel) said Congress added \$25K in the FY'06 budget to initiate a feasibility study. The ACOE has sent PDA a feasibility cost-sharing agreement for review. Once PDA executes the agreement and provides the ACOE with \$25K in matching funds, the ACOE will begin the feasibility study. Although New Hampshire will be the primary benefactor of the project, all of the proposed work is in Maine state waters. Maine will, therefore, have input in the project. The ACOE estimates total project costs at approximately \$12 Million.
- *Seabrook Section 227 Project Monitoring* - ACOE (Habel) said that project is complete. Per MOA with state, ACOE was to complete Operations & Maintenance (O&M) Manual which identifies ACOE's recommendations to PDA regarding future monitoring and inspection of the project. ACOE does not have the funds to complete the O&M Manual because the authority for the Section 227 Program expired in the last fiscal year. Discussion followed regarding aerial surveillance. NH DES (Richardson) said DES together with the PDA Ports and Harbors will continue aerial surveillance. Chairman said that NH Coastal Program has met with the ACOE and Congressional staff to discuss options for securing additional funds to complete the O&M Manual and to perform future monitoring.
- *Comprehensive Upland Dredge Material Disposal Study* – ACOE (Habel) said the Cape Arundel disposal site will close in January of 2010. In order to designate Cape Arundel for continued use or to identify another offshore disposal site, a site designation study must be completed. The ACOE generally pays for such a study. Chair said there have been recent discussions with the Congressional delegation to determine whether to ask for additional money to fund such a study. There has been some discussion about permanently designating the Cape Arundel site but it is not clear whether the State of Maine supports the idea. EPA (Guza) said negotiations started 10 years ago with the State of Maine and at that point they did not want it to be permanently designated. If we were to designate another site it would need to be in federal waters rather than in Maine waters. ACOE (Habel) said ACOE recently met with the Maine Congressional delegation and it was decided that they would leave it open as to whether it should be in Maine waters or federal waters, however, Maine supports looking for alternative sites. Maine will be writing letters to their delegation to support the first round of funding for a site designation study.

Other Items

ACOE (Walsh) asked if DMTF members to gather economic impact information on New Hampshire's coastal navigation projects. The information must indicate how much commerce these projects generate in the form of jobs and industry, as well as any kind of economic statistics about NH's harbors. This information will be used to justify federal funds for dredging projects in New Hampshire. Discussion followed regarding the possibility of regional funding for projects. ACOE (Habel) said this idea has been received somewhat favorably by the ACOE but to make it work the ACOE must demonstrate the economic benefit of each of these small harbors. ACOE (Walsh) requested this information by the end of this month.

NH Coastal Program (Diers) stated that Massachusetts sent out an RFP in January 2006 to conduct an economic analysis of all ocean-related activities including shipping, fishing and water-dependant industry along the coast. He has inquired if New Hampshire can be involved and feels it is a good opportunity for the state.

EPA (Guza) informed the members of the upcoming National Dredging Team/Regional Dredging Team (NDT/RDT) conference being held May 3 -5 in Boston. She encouraged Task Force members to attend. She will send the information.

Meeting adjourned at 3:20 PM